

STATE OF MICHIGAN

HOUSE OF REPRESENTATIVES

Conservation, Forestry and Outdoor Recreation Committee

Tuesday, May 30, 2006

Statement Regarding House Bills 971 and 972
Ellen M. Smith, on behalf of Save Our State Lands (S.O.S.)

My name is Ellen Smith, and I am here today to speak in opposition to House Bills 971 and 972, as they are presently written. If we are all here because we care about preserving what is left of Michigan's open space and natural resources, then we need to examine whether these bills will help achieve that goal, or whether they would do more harm than good. In other words, to quote an old saying, "first do no harm to the patient."

According to the Senate Bill Analysis dated March 20, 2006, the bills are a response to concerns about the DNR's Land Consolidation Strategy, a program of privatization begun during Governor Engler's administration. Their think-tank group, the Mackinac Center, unfortunately came up with the notion that there is simply too much land in public ownership and that as many as 13 state parks and one State recreation area "may be good candidates for private ownership." The excuse given was that, by selling off part of the State's parkland, the DNR could focus its resources on the remaining parks. Do not be drawn into this politico-rhetoric, but see it for what it really is: It is nothing more than a thinly veiled program for putting public parkland into the hands of developers.

House Bills 971 and 972 are flawed, and they should not be passed and enacted until amended by this Committee, so they do more than provide lip service, or worse yet prescribe a procedure whereby parkland can be systematically lopped off, one piece at a time. For example,

according to the current HB 971, the DNR can sell off parks whenever it wants, as long as it goes through the steps listed in the process and draws up new boundaries from time to time. If the acreage is greater than 15%, up to and including the whole park, the sale is reviewed by a “Citizens Committee,” then at a public hearing, then by the Legislature. And presumably, if the DNR wanted to sell less than 15%, they could do so any time they wish and as often as they wish, with no oversight.

These bureaucratic layers will not give real protection to parks but only slow down the process of selling them. Why would the DNR listen to the wishes of a Citizen Committee or those attending a public hearing, when neither one has binding oversight and it is the DNR who wants to sell the parkland in the first place. Even the legislative oversight portion will surely allow park sales to slip through the cracks, without investigation of each proposal and the impact it will have on the local community and its environment. We fear it would merely be a rubber-stamp process.

We are giving the DNR too much power in disposing of land in rapidly growing communities like Oakland County, Livingston County and Washtenaw County. And although the House bills purport to give communities a say in the process, it gives the community **too little power to effect change**. It becomes a mechanism for denying a community’s its oversight over land use within their township, subverting their wishes and selling property as it chooses. The DNR has repeatedly shown its abuse of power in exerting its will over the wishes of the people, as if it were a private owner and not a public entity. It wants to have the power to dispose of public land as it chooses – and that’s too much power.

The DNR has already shown that it has no respect for the hearing system, by selling park lands without public hearings. For example, the 600 acres of Proud Lake Recreation Area is

suddenly “outside their boundaries” and is on a fast track for sale. Although the DNR is still in the “Phase II” process, in which it determines which lands do not contribute to its mission of conservation, on April 17, 2006 the DNR gave Commerce Township a written ultimatum, that if it did not enter a purchase agreement within 120 days to buy this park at a price of about \$14 million, based not on its recreational value but as developed property, this park would be made available for auction. This ignores the fact the park is zoned as recreational land, and that a public hearing has never been held. The DNR is also finalizing a deal with the local school system to sell them 85 acres of this same park, again with no public hearing and again, supposedly while they are still in the Phase II portion. Clearly, the DNR is fast-tracking the sale of parks to grab the big cash, with no regard for what becomes of the land, and without holding public hearings up to this point.

There need to be safeguards, or curbs on DNR’s power, and we recommend that this Committee make the following amendments to House Bills 971 and 972:


1) Give local communities an equal say in land use by requiring the DNR to adhere to local zoning; 2) include ALL STATE LANDS, not just the parks NOW inside DNR’s new “boundaries”; and 3) require that any sale of parkland to a local government be at a price it can actually afford – that is, at its recreational value, and protected by a conservation easement. The future of a community’s land use mix of residential, business and public space is too important to leave it in the hands of a few bureaucrats and private interests. The DNR is NOT a private landowner, and because of this it has an obligation to uphold the public’s trust.

At the time DNR purchased these 600 acres, it recognized the community’s need for recreational land and obviously felt it had sufficient recreational value. Even as late as 1996 when the Walled Lake School System asked to buy part of it, the DNR refused to sell. Suddenly

now, they have arbitrarily decided it lacks that same value, even as the community's need for recreational space has increased, and the supply of recreational land sharply decreased.

Our citizen group, Save Our State Land, had several meetings with the DNR, in which we provided information on the tremendous ecological value this land has to western Oakland County. We demonstrated the strong opposition of Township residents to selling this park, and the reasons why the DNR could retain this park with little or no cost to the State. While DNR listened to our arguments, there was no reason for a change in their plans, not when the right real estate appraisal could garner millions of dollars to spend in another location. Why should an advisory Citizens Committee be any different? To the DNR, in other words, parks serve as piggy-banks. And all they need to do is re-draw the boundaries, exclude this park or that park, and HB 972 will have no effect. In times of economic shortfalls, there is a temptation to sell off parklands for quick cash, but the long-term impact is to deprive communities of their remaining public places and add to the sprawl that has overtaken southeast Michigan; and ironically, that the DNR will have subverted its own mission.

On behalf of the Save Our State Land group, I appreciate the opportunity to participate in today's hearings and present my point of view. Thank you.



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